

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MARY D. STELZL,)
)
Plaintiff,) No. 03:12-cv-01102-HU
)
vs.)
)
CAROLYN W. COLVIN,) **ORDER ON MOTION FOR EAJA FEES**
Commissioner of Social Security,)
)
Defendant.)

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Attorneys for Defendant

1 HUBEL, United States Magistrate Judge:

2 The parties have filed a stipulated motion for an award of
3 attorney's fees to the plaintiff pursuant to the Equal Access to
4 Justice Act, 28 U.S.C. § 2412. Dkt. #23. Under the statute:

5 A party seeking an award of fees and other
6 expenses shall, within thirty days of final
7 judgment in the action, submit to the court an
8 application for fees and other expenses which
9 shows that the party is a prevailing party and
10 is eligible to receive an award under this
11 subsection, and the amount sought, including
12 an itemized statement from any attorney . . .
13 representing or appearing in behalf of the
14 party stating the actual time expended and the
15 rate at which fees and other expenses were
16 computed. The party shall also allege that
17 the position of the United States was not
18 substantially justified.

19 24 U.S.C. § 2412(d) (B) .

20 The current motion is wholly unsupported. No itemized state-
21 ment from the plaintiff's attorneys is attached, and no allegation
22 or supporting argument is made that the Commissioner's position was
23 not substantially justified.

24 The motion is **denied**, without prejudice to refiling in proper
25 form, **no later than February 25, 2014**.

26 IT IS SO ORDERED.

27 Dated this 13th day of February, 2014.

28 /s/ Dennis J. Hubel

Dennis James Hubel
United States Magistrate Judge